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STATE FOR L/PM (TMITCHELL), WHA/CAR (WBENT)
DEPARTMENT PLEASE ALSO PASS TO PENTAGON FOR OSD/ISA/WHA
(MMACMURRAY)

E.O. 12958: N/A

TAGS: [MARR](#) [MOPS](#) [PREL](#) [KTIA](#) [JM](#)

SUBJECT: JAMAICAN GOVERNMENT AGREES TO STATUS OF FORCES
AGREEMENT FOR TRADEWINDS

REF: A. SECSTATE 20960

- [1](#)B. GOERTZ/BENT 3/07 FAX
- [1](#)C. FADDIS/SOUTHCOM 3/07 FAX
- [1](#)D. MITCHELL/BENT 3/16 E-MAIL
- [1](#)E. FRENCH/MITCHELL 3/23 E-MAIL

[1](#)1. Late on March 20, Embassy Kingston received Diplomatic Note 358/803/3 from the Government of Jamaica accepting the amended Status of Forces Agreement (SOFA) for the Tradewinds exercise in response to our Diplomatic Note 085/06 dated March 17, accepting the Government of Jamaica's proposed amendments to the SOFA.

[1](#)2. Post sent the text of the Diplomatic Note 358/803/3 to Theresa Mitchell and Daphne Cook in L via e-mail (Ref E). Post sent the original Diplomatic Note 358/803/3 from the Government of Jamaica and certified copies of the prior, related Diplomatic Notes to Daphne Cook via Registered Diplomatic Pouch (5032063).

[1](#)3. Text of the diplomatic note is as follows:

Begin text:

The Ministry of Foreign Affairs and Foreign Trade presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's Note No. 051/06 dated 17th February 2006, which transmitted the text of an agreement on additional privileges and immunities which would apply to the United States military and civilian personnel of the United States Department of Defense (collectively referred to as United States personnel) who may be present in Jamaica in connection with Exercise Tradewinds 2006 (25th March) 7th April), hereafter referred to as the agreed activities. The privileges and immunities are additional to those provided to the visiting force of a designated state under the Visiting Forces Act 1975.

The Ministry agrees that the Embassy's Note and the Ministry's reply as follows shall constitute an agreement:

The Government of Jamaica agrees that United States personnel may enter and exit Jamaica with United States identification and with collective movement or individual travel orders and such personnel shall be authorized to wear uniforms while performing official duties. United States personnel may deploy with all authorized unit and individual equipment and shall be permitted to carry weapons when their orders call for it.

The Government of Jamaica agrees that if Jamaican authorities

detain any United States personnel, the Jamaican authorities shall immediately notify the Embassy in Jamaica. Jamaican and United States military police investigators shall cooperate in the investigation of any crime believed to have been committed by or against United States personnel. It shall be the responsibility of United States personnel to respect the laws of Jamaica and to abstain from any activity inconsistent with the spirit of this agreement. Authorities of the Government of the United States of America shall take necessary measures to that end.

The Government of Jamaica acknowledges that it will exempt from inspection and taxation on products, services, property, material, equipment, vehicles, vessels and aircraft imported into, acquired in, or exported from Jamaica by or on behalf of the United States Government or United States personnel in connection with agreed activities; and that the parties shall cooperate in taking such steps as shall be necessary to the security of United States personnel and property in Jamaica.

The Government of Jamaica further agrees that title to United States Government property (such as equipment, material, supplies, and other property) imported into or acquired in Jamaica by or on behalf of the United States armed forces in connection with agreed activities shall remain with the United States government, which may remove such property from Jamaica at any time, free from export duties, taxes, and other charges. The exemption provided in this paragraph shall also extend to any duty, tax or other charge that is assessed upon such property after importation into or acquisition in Jamaica. Such property may be removed from Jamaica, or disposed of therein, provided that disposition of such property in Jamaica to persons or entities not entitled to exemption from applicable taxes or duties shall be subject to payment of such taxes and duties by such persons or entities. Baggage, personal effects, and other property for the personal use of United States personnel present in Jamaica in connection with agreed activities may be imported into and exported from Jamaica free of all inspections.

The Government of Jamaica further accepts that vehicles, vessels, and aircraft owned or operated by or for the United States armed forces present in Jamaica in connection with agreed activities shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight or parking charges, or lighterage or harbour dues while in Jamaica; however, the United States armed forces shall pay reasonable charges for services requested and received. Maintenance, control, and security of equipment are the responsibility of the United States Government. Jamaican authorities shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles. United States personnel in Jamaica shall enjoy freedom of movement and shall be enabled to undertake those activities deemed necessary for the performance of their mission. Vehicles owned by the United States need not be registered, but shall have appropriate identification markings.

The Government of Jamaica shall accept as valid professional licenses issued by the appropriate United States Government authorities to United States personnel.

The Government of Jamaica shall accept full responsibility for, and shall hold the United States Government harmless from, any and all claims arising from the use of projects constructed, or in the process of being constructed in whole or in part, during exercise or other agreed activities of United States personnel present in Jamaica pursuant to the terms of this agreement.

The Government of Jamaica agrees with the Embassy that both governments shall waive any and all claims (other than contractual claims) against each other for personal injury to or death of their military or civilian personnel, or for damage, loss, or destruction of the other's property arising out of the activities covered by this agreement. The United

States Government shall pay, in accordance with United States law, fair and reasonable compensation in settlement of meritorious claims by third parties arising out of acts or omissions of United States personnel or which are otherwise incident to agreed activities of the United States armed forces under this agreement.

The Government of Jamaica accepts that the United States armed forces and United States personnel present in Jamaica in connection with agreed activities may use water, electricity, and other public utilities and facilities on terms and conditions, including rates and charges no less favourable than those available to the Jamaican armed forces, in like circumstances, unless otherwise agreed. The Government of Jamaica shall, upon request, assist United States authorities in obtaining water, electricity, and other public utilities and facilities.

Jamaican authorities shall permit the United States armed forces and United States personnel present in Jamaica in connection with agreed activities to use radio communications for the conduct of the official duties of the United States personnel. The responsible Jamaican authorities shall notify the United States armed forces of the radio frequencies to be used for local and international official duties.

The Government of Jamaica acknowledges that in the event that agreed activities involve the use of contractors, the United States government may award contracts for the acquisition of articles and services, in accordance with its laws and regulations. The United States government shall have the right to choose such contractors, and United States contractors and their employees who are not normally resident in Jamaica shall be accorded the same privileges as United States armed forces and civilian personnel with regard to the export, import, and acquisition of goods and equipment for official use.

Additional arrangements as may be necessary may be entered into by the appropriate authorities of the two governments.

If the foregoing is acceptable to the Embassy of the United States, the Government of Jamaica agrees that the Embassy,s Note No 085/06 of March 17, 2006 and this Note in reply shall constitute an agreement between the two governments, which shall enter into force on the date of the Ministry,s reply.

The Ministry of Foreign Affairs and Foreign Trade avails itself of this opportunity to renew to the Embassy of United States of America the assurances of its highest consideration.

Embassy of United States of America
KINGSTON
20th March 2006

End text.
JOHNSON